

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

SHERWIN HUE,)
Petitioner,)
v.) C.A. No. 09-85 Erie
FRANCISCO QUINTANA, et al.)
Respondents.)

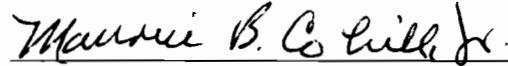
Memorandum Order

This petition for writ of habeas corpus was received by the Clerk of Court on April 10, 2009, and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The magistrate judge's report and recommendation, filed on July 14, 2009, recommended that the petition for writ of habeas corpus be dismissed for failure to prosecute. The parties were allowed ten (10) days from the date of service to file objections. Service was made on Petitioner by certified mail at FCI McKean, where he is incarcerated. No objections were filed. After de novo review of the petition and documents in the case, together with the report and recommendation, the following order is entered:

AND NOW, this 22nd day of September, 2009, it is HEREBY ORDERED, ADJUDGED, and DECREED that the Petition for Writ of Habeas Corpus is DISMISSED for failure to prosecute.

The report and recommendation of Magistrate Judge Baxter, dated July 14, 2009, is adopted as the opinion of the court.



Maurice B. Cohill, Jr.,
Senior United States District Judge

cc: Susan Paradise Baxter
U.S. Magistrate Judge
all parties of record _____